

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7577

BILL NUMBER: HB 1491

NOTE PREPARED: Feb 12, 2009

BILL AMENDED: Feb 10, 2009

SUBJECT: St. Joseph Superior Court Judges.

FIRST AUTHOR: Rep. Fry

FIRST SPONSOR:

BILL STATUS: As Passed House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) *Election of St. Joseph County Superior Judges*- The bill requires the nonpartisan election of superior court judges in St. Joseph County. The bill continues the terms of the St. Joseph superior court judges in office on June 30, 2009, until the date the judges' terms will end under the law in effect on June 30, 2009.

Campaign Contributions- The bill provides that a judge or a candidate for judge of the Saint Joseph Superior Court may not accept certain political contributions.

Repealer- The bill repeals provisions concerning judicial retention elections in St. Joseph County.

Effective Date: July 1, 2009.

Explanation of State Expenditures: *Election of St. Joseph County Superior Judges*- The Election Division (ED) would have to determine candidate eligibility from declaration of candidacy documents filed by those seeking a judgeship through election. The ED would be able to process the additional documents within their existing level of resources.

Explanation of State Revenues: (Revised) *Campaign Contributions*- Violation of this provision could result in criminal charges against candidates. Under current election law penalty provisions, there are various misdemeanors or felonies that could apply.

Penalty Provision: If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. However, any

additional revenue would likely be small.

Explanation of Local Expenditures: *Election of St. Joseph County Superior Judges*- This provision would have minimal impact on local expenditures. Judges in St. Joseph County are currently placed on the general election ballot every six years for a vote of retention. Given that the bill would require the judges to be directly elected by a general election ballot every six years, the general election ballot may need to be reorganized to accommodate their direct election instead of retention.

Explanation of Local Revenues: (Revised) *Campaign Contributions- Penalty Provision*: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

State Agencies Affected: Election Division.

Local Agencies Affected: St. Joseph County, trial courts, local law enforcement agencies.

Information Sources:

Fiscal Analyst: Chris Baker, 317-232-9851.